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In re Application of  
SHER, et al.  
Application No.: 09/914,637  
PCT No.: PCT/EP00/01737  
Int. Filing Date: 28 February 2000  
Priority Date: 01 March 1999  
Attorney Docket No.: 112843-028  
For: FERRIC FORTIFICATION SYSTEM

DECISION ON RENEWED  
PETITION UNDER  
37 CFR 1.42

This is a decision on applicants "Renewed Petition Under 37 CFR § 1.42" filed 23 October 2002 in the United States Patent and Trademark Office (USPTO).

**BACKGROUND**

On 23 April 2002, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.42. Applicant was afforded two months to file any request for reconsideration.

On 23 October 2002, applicant filed the present renewed petition accompanied by a petition for a four-month extension of time and payment of the appropriate extension fee. With the filing of the petition and payment of the four-month extension fee the renewed petition is considered to be timely filed.

**DISCUSSION**

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

As detailed in the decision mailed 23 April 2002, applicant's original petition was dismissed as the filed declaration failed to set forth the citizenship of the heiress of the deceased inventor. Applicants have currently filed a declaration which spells out the residence, post office address and country of citizenship of the deceased joint inventor Dharam Vir VADEHRA as well as that of his heir Bina VADEHRA. As such, it is proper to grant applicant's renewed petition at this time.

The submission of the declaration executed by all of the heirs of the deceased inventor is

hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by the applicable law to be appointed. If this interpretation is incorrect applicant is required to promptly notify the Office of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

### **CONCLUSION**

Applicant's renewed petition under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 28 February 2000 and a date of **23 October 2002** under 35 U.S.C. 371.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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